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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 773/92

of 30 March 1992

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 594/92⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 27 March 1992;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 594/92 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 March 1992.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 64, 10. 3. 1992, p. 4.

ANNEX

to the Commission Regulation of 30 March 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)	
CN code	Levy (°)
0709 90 60	127,85 (°) (°)
0712 90 19	127,85 (°) (°)
1001 10 10	164,24 (°) (°) (°)
1001 10 90	164,24 (°) (°) (°)
1001 90 91	142,85
1001 90 99	142,85 (°)
1002 00 00	163,00 (°)
1003 00 10	140,57
1003 00 90	140,57 (°)
1004 00 10	119,91
1004 00 90	119,91
1005 10 90	127,85 (°) (°)
1005 90 00	127,85 (°) (°)
1007 00 90	138,91 (°)
1008 10 00	53,14 (°)
1008 20 00	122,41 (°)
1008 30 00	64,02 (°)
1008 90 10	(°)
1008 90 90	64,02
1101 00 00	213,55 (°) (°)
1102 10 00	241,37 (°)
1103 11 10	268,08 (°) (°)
1103 11 90	229,29 (°)

(°) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

(°) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

(°) Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

(°) Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

(°) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

(°) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

(°) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

(°) On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

(°) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

(°) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

(°) Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 774/92

of 30 March 1992

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1845/91⁽⁵⁾ and subsequent amending Regulation;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 27 March 1992;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 March 1992.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 30 March 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	5,51	5,51	5,51
0712 90 19	0	5,51	5,51	5,51
1001 10 10	0	1,40	1,40	1,40
1001 10 90	0	1,40	1,40	1,40
1001 90 91	0	2,13	2,13	1,42
1001 90 99	0	2,13	2,13	1,42
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	5,51	5,51	5,51
1005 90 00	0	5,51	5,51	5,51
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	2,97	2,97	1,99

B. Malt

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	3,79	3,79	2,53	2,53
1107 10 19	0	2,83	2,83	1,89	1,89
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 775/92**of 30 March 1992****amending Regulation (EEC) No 2318/91 opening a standing invitation to tender
for the export of barley held by the Spanish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 674/92 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 1836/82 ⁽³⁾, as last amended by Regulation (EEC) No 3043/91 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas on 26 March 1992 Spain notified the Commission that it wished to amend the Annex to Regulation (EEC) No 2318/91 ⁽⁵⁾, as last amended by Regulation (EEC) No 383/92 ⁽⁶⁾; whereas it is possible to accede to that request;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2318/91 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 288, 18. 10. 1991, p. 21.

⁽⁵⁾ OJ No L 213, 1. 8. 1991, p. 50.

⁽⁶⁾ OJ No L 43, 19. 2. 1992, p. 7.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Albacete	22 000
Burgos	20 000
Ciudad Real	67 000
Cuenca	31 000
Guadalajara	33 000
Huesca	9 000
Navarra	15 000
Palencia	14 000
La Rioja	4 000
Soria	26 000
Teruel	18 000
Valladolid	10 000
Zaragoza	31 000'

COMMISSION REGULATION (EEC) No 776/92**of 30 March 1992****on the supply of common wheat to the People's Republic of Bangladesh as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1930/90⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, by its Decisions of 19 and 27 November 1991 on the supply of food aid to Bangladesh, the Commission allocated to this country 50 000 tonnes of cereals to be supplied free at port of landing — undischarged;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as amended by Regulation (EEC) No 790/91⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, notably for logistical reasons, certain supplies are not awarded within the first and second deadlines for

submission of tenders; whereas, in order to avoid republication of the notice of invitation to tender, a third deadline for submission of tenders should be opened,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the award of a contract for the supply of common wheat to Bangladesh in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in Annex I hereto.

The offer submitted shall be deemed to have been drawn up taking account of the charges and constraints resulting from specific clauses set out in the Exchange of Letters between the Commission and the recipient, published in part in Annex II. In particular, the laydays should be assessed on the basis of an average daily discharge rate of 2 000 tonnes in such a way that dispatch to be paid to the recipient by the EEC will be for the account of the successful tenderer.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I**LOTS A and B**

1. **Operation Nos** ⁽¹⁾: 1055/91 (lot A), 1056/91 (lot B)
2. **Programme**: 1991
3. **Recipient** ⁽²⁾: Bangladesh
4. **Representative of the recipient** ⁽³⁾: The Secretary, Ministry of Food, Bangladesh Secretariat, Dhaka, Bangladesh
5. **Place or country of destination**: Bangladesh
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽⁴⁾: see list published in OJ No C 114, 29. 4. 1991, p. 1 (under II.A.1a)
8. **Total quantity**: 50 000 tonnes
9. **Number of lots**: two (lot A: 20 000 tonnes; lot B: 30 000 tonnes)
10. **Packaging and marking**: in bulk
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — undischarged
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Chittagong and/or Mongla
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 21. 4 — 5. 5. 1992
18. **Deadline for the supply**: 6. 6. 1992
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 14. 4. 1992
- 21 **A. In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 21. 4. 1992
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 28. 4 — 12. 5. 1992
 - (c) deadline for the supply: 13. 6. 1992
- 21 **B. In the case of a third invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 28. 4. 1992
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 5 — 19. 5. 1992
 - (c) deadline for the supply: 20. 6. 1992
22. **Amount of the tendering security**: 5 ECU per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** ⁽⁵⁾:

Bureau de l'aide alimentaire, a l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles, telex AGREC 22037 B or AGREC 25670 B
25. **Refund payable on request by the successful tenderer** ⁽⁶⁾: refund applicable on 30. 3. 1992 fixed by Regulation (EEC) No 491/92 (OJ No L 158, 29. 2. 1992, p. 38)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer : see list published in OJ No C 114, 29. 4. 1991, p. 33.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.

The radioactivity certificate must indicate the caesium-134 and -137 levels.

- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - 236 20 05
 - 236 33 04.
 - (⁵) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
 - (⁶) The successful tenderer is to contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
-

ANNEX II**Allocation of food aid to Bangladesh****1. Discharging conditions**

The recipient shall unload the 50 000 tonnes of wheat as per the following conditions.

2. Type of vessels to be fixed

It is envisaged that two vessels (self-trimming bulk carriers) will be fixed, one carrying about 20 000 tonnes of wheat and the other carrying about 30 000 tonnes of wheat. The vessel carrying 20 000 tonnes of wheat should have at least three hatches, the vessel carrying 30 000 tonnes of wheat should have at least four hatches. Vessels to be geared and each crane/derrick to serve one or two hatches. The vessels should be capable of entering the Chittagong outer anchorage and, after necessary lighterage, be able to shift and berth, at recipient's option, at Chittagong jetties and after discharging requisite quantity and attaining permissible draft sail to Mongla for end of discharging or directly to Mongla for end of discharging. For vessels unable to enter Chittagong port after attaining permissible draft for Chittagong silo jetty or Chittagong port jetties due to excessive length, further lighterage may be undertaken so as to attain permissible draft for Mongla port. This extra lighterage shall be at the time and expense of the owners/charterers.

Shippers/shipowners must ensure that all certificated officers carry with them on board the original valid certificate of competency and that all vessels are manned strictly according to the *STCW* Convention 1978, failing which any delay to the vessel will be on owner's account.

3. Discharging facilities

Vessels will furnish at discharging ports, free of expenses to the recipient, winches and/or cranes and the power to drive them, gins and falls in good working condition and will also supply sufficient lights for night work, as on board, on deck and in the holds, if required. Vessels will provide winchmen at loading and discharging ports at their own expense.

4. Vessels' ETA information

Master to wireless/cable nominees of the recipient, namely Movements Chittagong — telex 642237 CMS C BJ — (simultaneously informing Banglaship Chittagong — telex 66277 BSC BJ — and Movestore Dhaka — telex 642230 CMS BJ) for orders regarding discharge 10 days prior to their arrival at the first discharge port. i.e. Chittagong, and state ETA and draft. Orders for discharging will be transmitted to the vessel within five days of the receipt of master's request.

Master to give following notice to the recipient's nominees, i.e. Movements Chittagong, Banglaship Chittagong and Movestore Dhaka :

(a) upon sailing from loading port vessels must state :

- (i) quantity loaded ;
- (ii) arrival draft ;
- (iii) TPI (tonnes per inch).

(b) 10 days ETA Chittagong port,

5 days ETA Chittagong port,

72 hours, 48 hours and 24 hours ETA Chittagong port.

5. Places of discharging

It is envisaged that at recipient's option, subject to attainment of permissible draft for Mongla, up to a maximum of 60 % of the Bill of Lading quantity may be discharged at Mongla. All lighterage at Chittagong outer anchorage for attaining permissible draft for Mongla will be carried out by the recipient at their own cost and time (including freight of lighter vessels from Chittagong outer anchorage to Mongla, if any), except lighterage due to excessive length (see point 2).

6. Discharging rate and discharging port(s) time counting

The cargo is to be discharged by the recipient free of risk and expense to the vessel at the rate of 2 000 tonnes at Chittagong and at Mongla per weather working day of 24 consecutive hours. Time from 12 noon on Thursday or 5 p.m. on a day preceding a holiday until 9 a.m. on Saturday or next working day not to count as laytime even if used. The rate of discharge is based on the abovementioned minimum number or more workable hatches. If, however, the number of workable hatches is less than the specified minimum number of hatches, discharging rate will be reduced proportionately.

Notice of readiness is to be tendered and accepted after vessel arrives at the Chittagong outer anchorage or at Mongla pilot station (Hiron Point) and laytime to commence 24 hours after NOR tendered during office hours, whether the vessel is in berth or not. At discharge ports, cost of shifting from anchorage to anchorage, anchorage to berth, berth to berth and port to port on owner's/shipper's account and time used for such shifting not to count as laytime.

Although stevedores appointed by recipients, all discharging operations to be carried out under masters' direction/approval. All necessary trimming will be at owner's time and expense.

At Chittagong anchorage and/or at Mongla anchorage, if a lighter vessel is required to cast off from the mother ship, due to heavy swell and/or bad weather, all time lost will not count as laytime.

The time will stop counting from the time the lighter vessel casts off and will start counting again from the time the lighter ship is re-tied alongside the mother ship.

7. Lighterage at discharge port

All necessary lighterage at Chittagong outer anchorage, will be carried out by the recipients at their own cost and time. For vessels unable to enter the Chittagong outer anchorage, due to excessive draft, lighterage may be carried out at Kutubdia anchorage by the shippers/owners at their expense and such lighterage to be treated as transshipment and lighters engaged to be discharged on identical terms as the mother vessel, and time used for lighterage at Kutubdia not to count as laytime. Collision damage, if any, during lighterage to be settled directly between the owners of the mother and the lighter vessels (notwithstanding whether engaged by both owners/shippers for Kutubdia lighterage, or by the recipients for outer anchorage lighterage). In case of unsafe anchorage at Chittagong anchorage, any lighterage at Kutubdia is not for shipper's/owner's account.

Master of the vessel(s) at all times to extend full cooperation to the recipients and/or their nominees/agents/stevedores/lighterage contractors in order to expedite discharge. Lighter vessels to supply suitable fenders to avoid damage.

8. Demurrage/Despatch

Should the vessel(s) not be discharged at the rate herein stipulated demurrage shall be paid by the recipient at the rate stipulated in the charter party subject to a maximum of US\$ 5 000 per day or part thereof.

For working time saved at the port(s) of discharge, despatch money shall be paid to the recipient at the rate of 50 % of the rate of demurrage, stipulated in the charter party, subject to a maximum of US\$ 2 500 per day saved.

Demurrage of despatch at the discharging ports, if any, at the amounts specified above, shall be paid, as the case may be, by the recipient to the Commission or by the Commission to the recipient. Afterwards settlement of despatch/demurrage, if any, between supplier and the Commission will take place.

Laytime to be non-reversible.

9. Miscellaneous

Overtime expenses, if any, on account of port and customs personnel, will be for the account of the party (owner/their agents or receiver/their agents) ordering the same, but if ordered by the Port Authorities, to be on the receiver's account on 50 : 50 basis. Overtime expenses for vessel's crew and officers always to be on the owner's account.

At each port of discharge opening/closing of hatches on all occasions to be for owner's account and time not to count as laytime. First opening and last closing and hatches at each port of discharge to be done by vessel's crew at all times.

Whatever the respective destination of the goods found damaged, they must be disposed of/destroyed as per port rules prior to sailing out of the vessels.

Dock worker management board's levy is not for shipper's account.

In case of lack of coordination or of facilities between the supplier and the recipient through no fault of either part, the Commission will take special and adequate measures for financing the operations.

In the case where some extra costs requested by the supplier are to be pre-financed by the recipient, they may be directly paid by the Commission on the recipient's behalf to the said supplier.

COMMISSION REGULATION (EEC) No 777/92**of 30 March 1992****opening a standing invitation to tender for the export of 100 000 tonnes of durum wheat held by the Spanish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EEC) No 674/92⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾, as amended by Regulation (EEC) No 2203/90⁽⁴⁾, provides that cereals held by the intervention agencies shall be disposed of by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁵⁾, as last amended by Regulation (EEC) No 3043/91⁽⁶⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas on 12 March 1992, Spain notified the Commission that it wished to put up for sale for export 100 000 tonnes of durum wheat held by its intervention agency; whereas it is possible to accede to that request;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The Spanish intervention agency may, in accordance with the conditions laid down in Regulation (EEC) No 1836/82, open a standing invitation to tender for the export of 100 000 tonnes of durum wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum of 100 000 tonnes of durum wheat to be exported to all third countries.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 5.

⁽⁵⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁶⁾ OJ No L 282, 18. 10. 1991, p. 21.

2. The regions in which the 100 000 tonnes of durum wheat are stored are stated in Annex I to this Regulation.

Article 3

The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 1836/82, until 31 May 1992.

Tenders submitted in response to this invitation to tender may not be accompanied by applications for export certificates under Article 44 of Commission Regulation (EEC) No 3719/88⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 1836/82 the time for submission of tenders in response to first partial invitation to tender shall expire on 8 April 1992 at 1 p.m. (Brussels time).

2. The time limit for submission of tenders in response to the subsequent partial invitations to tender shall expire each Wednesday at 1 p.m. (Brussels time).

3. The last partial invitation to tender shall expire on 20 May 1992.

4. Tenders shall be lodged with the Spanish intervention agency.

Article 5

The Spanish intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be made as specified in the table in Annex II, to the telephone, telex or telefax numbers in Annex III.

Article 6

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Cádiz	40 000
Córdoba	30 000
Sevilla	30 000

ANNEX II

Standing invitation to tender for the export of 100 000 tonnes of durum wheat held by the Spanish intervention agency

(Regulation (EEC) No 777/92)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) ⁽¹⁾	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(¹) This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX III

The only numbers to use to call Brussels (DG VI-C-1 (Attention : Messrs Thibault and Brus)) are :

Telex : 22037 AGREC B
22070 AGREC B (Greek characters);

Telefax : — 235 01 32,
— 236 10 97,
— 236 20 05.

COMMISSION REGULATION (EEC) No 778/92
of 27 March 1992

re-establishing the levying of customs duties on products falling within CN codes 6401, 6402 and 6403, originating in Indonesia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the countries and territories concerned may at any time be re-established;

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries ⁽¹⁾, extended into 1992 by Regulation (EEC) No 3587/91 ⁽²⁾ and in particular Article 9 thereof,

Whereas, in the case of products falling within CN codes 6401, 6402 and 6403, originating in Indonesia, the individual ceiling respectively was fixed at ECU 1 213 000 and ECU 4 410 000; whereas, on 5 February 1992, imports of these products into the Community originating in Indonesia reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Indonesia,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

HAS ADOPTED THIS REGULATION:

Article 1

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of

As from 3 April 1992, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products originating in Indonesia:

Order No	CN code	Description
10.0660	6401	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes
	6402	Other footwear with outer soles and uppers of rubber or plastics
10.0670	6403	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 341, 12. 12. 1991, 1. This Regulation was last amended by Council Regulation (EEC) No 282/92 (OJ No L 31, 7. 2. 1992, p. 1).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 March 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

**COMMISSION REGULATION (EEC) No 779/92
of 27 March 1992**

re-establishing the levying of customs duties on products of category 37 (order No 40.0370), originating in Pakistan, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended into 1992 by Council Regulation (EEC) No 3387/91 of 3 December 1991 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for each category of products in Annexes I and II thereto individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category 37 (order No 40.0370), originating in Pakistan, the relevant ceiling amounts to 386 tonnes;

Whereas on 27 February 1992 imports of the products in question into the Community, originating in Pakistan, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Pakistan,

HAS ADOPTED THIS REGULATION :

Article 1

As from 3 April 1992 the levying of customs duties, suspended pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan :

Order No	Category (unit)	CN code	Description
40.0370	37 tonnes	5516 11 00	Woven fabrics of artificial staple fibres
		5516 12 00	
		5516 13 00	
		5516 14 00	
		5516 21 00	
		5516 22 00	
		5516 23 10	
		5516 23 90	
		5516 24 00	
		5516 31 00	
		5516 32 00	
		5516 33 00	
		5516 34 00	
		5516 41 00	
		5516 42 00	
		5516 43 00	
		5516 44 00	
		5516 91 00	
		5516 92 00	
		5516 93 00	
		5516 94 00	
		5803 90 50	
		ex 5905 00 70	

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 341, 12. 12. 1991, p. 1. This Regulation as last amended by Council Regulation (EEC) No 282/90 (OJ No L 31, 7. 2. 1992, p. 1).

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 March 1992.

For the Commission

Christiane SCRIVENER

Member of the Commission

**COMMISSION REGULATION (EEC) No 780/92
of 30 March 1992**

**fixing for the 1992 marketing year the Community offer prices for aubergines
applicable with regard to Spain and Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Regulations (EEC) No 3709/89 ⁽¹⁾ and No 3648/90 ⁽²⁾ laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating respectively in Spain and Portugal, and in particular Article 4 (1) thereof,

Whereas, Commission Regulation (EEC) No 3820/90 ⁽³⁾, lays down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain ;

Whereas, pursuant to Article 152 and Article 318 of the Act of Accession, a compensation mechanism is to be introduced on imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', of fruit and vegetables from Spain and Portugal for which a reference price is fixed with regard to third countries ; whereas, Community offer prices for aubergines coming from Spain and Portugal should be fixed only during the period where reference prices are fixed with regard to third countries, this means from 1 April up to and including 31 October ;

Whereas, in accordance with Articles 152 (2) (a) and 318 (1) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetable sector ; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price ; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries ;

Whereas, in order to take account of seasonal variations in prices, the marketing year should be divided into one or more periods and a Community offer price should be fixed for each of them ;

Whereas, in accordance with Article 1 of Regulations (EEC) Nos 3709/89 and 3648/90, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part of the latter and which meet quality Class I requirements and conditions laid down as regards packaging ; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market ; whereas, moreover, if the average price for a Member State shows excessive variations with respect of normal price fluctuations, it shall not be taken into account ;

Whereas the application of the abovementioned criteria results in Community offer prices being fixed for aubergines for the period 1 April to 31 October 1992 at the levels set out hereinafter ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION :

Article 1

For the 1992 marketing year, the Community offer prices for aubergines (CN code 0709 30 00) applicable with regard to Spain and Portugal, expressed in ecus per 100 kilograms net of packed products of Class I, of all sizes, shall be as follows :

— April :	80,11,
— May :	81,90,
— June :	75,78,
— July :	52,51,
— August :	41,81,
— September :	46,66,
— October :	50,43.

Article 2

This Regulation shall enter into force on 1 April 1992.

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 16.

⁽³⁾ OJ No L 366, 29. 12. 1990, p. 43.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 781/92**of 30 March 1992****fixing for the 1992 marketing year the Community offer prices for tomatoes
applicable with regard to Spain and Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulations (EEC) No 3709/89 ⁽¹⁾ and No 3648/90 ⁽²⁾ laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating respectively in Spain and Portugal, and in particular Article 4 (1) thereof,

Whereas, Commission Regulation (EEC) No 3820/90 ⁽³⁾, lays down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain;

Whereas, pursuant to Article 152 and Article 318 of the Act of Accession, a compensation mechanism is to be introduced on imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', of fruit and vegetables from Spain and Portugal for which a reference price is fixed with regard to third countries; whereas, Community offer prices for tomatoes coming from Spain and Portugal should be fixed only during the period where reference prices are fixed with regard to third countries, this means from 1 April up to and including 20 December;

Whereas, in accordance with Articles 152 (2) (a) and 318 (1) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetable sector; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries;

Whereas, in order to take account of seasonal variations in prices, the marketing year should be divided into one or

more periods and a Community offer price should be fixed for each of them;

Whereas, in accordance with Article 1 of Regulations (EEC) Nos 3709/89 and 3648/90, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part of the latter and which meet quality Class I requirements and conditions laid down as regards packaging; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market; whereas, moreover, if the average price for a Member State shows excessive variations with respect of normal price fluctuations, it shall not be taken into account;

Whereas, up to 10 July, tomatoes produced in the Community of Ten are grown mainly under glass; whereas the Community offer prices for this period of the marketing year must therefore be fixed for a product of that type; whereas tomatoes imported from Spain and Portugal during the same period will have been grown in the open; whereas, although such tomatoes may be classed in Class I, their quality and price are not comparable with those of products grown under glass; whereas the prices for tomatoes not grown under glass should therefore be adjusted by a conversion factor;

Whereas the application of the abovementioned criteria results in Community offer prices being fixed for tomatoes for the period 1 April to 20 December 1992 at the levels set out hereinafter;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1992 marketing year, the Community offer prices for tomatoes (CN code 0702 00), applicable with regard to Spain and Portugal, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 16.

⁽³⁾ OJ No L 366, 29. 12. 1990, p. 43.

— April :	144,17,
— May :	97,85,
— 1 June to 10 July :	69,55,
— 11 July to 31 August :	41,90,
— September :	44,99,
— 1 October to 20 December :	46,47.

the prices for tomatoes, not produced under glass, imported from Spain and Portugal shall, after deduction of customs duties, be multiplied :

- for April, by a conversion factor of 1,80,
- for May, by a conversion factor of 1,70,
- from 1 June to 10 July, by a conversion factor of 1,65.

2. For the purpose of calculating the Spanish and Portuguese offer prices :

Article 2

This Regulation shall enter into force on 1 April 1992.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 782/92

of 30 March 1992

fixing for the 1992 marketing year the Community offer prices for courgettes
applicable with regard to Spain and Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulations (EEC) No 3709/89 ⁽¹⁾ and No 3648/90 ⁽²⁾ laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on imports of fruit and vegetables originating respectively in Spain and Portugal, and in particular Article 4 (1) thereof,

Whereas, Commission Regulation (EEC) No 3820/90 ⁽³⁾, lays down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain;

Whereas, pursuant to Article 152 and Article 318 of the Act of Accession, a compensation mechanism is to be introduced on imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', of fruit and vegetables from Spain and Portugal for which a reference price is fixed with regard to third countries; whereas, Community offer prices for courgettes coming from Spain and Portugal should be fixed only during the period where reference prices are fixed with regard to third countries, this means from 21 April up to and including 30 September;

Whereas, in accordance with Articles 152 (2) (a) and 318 (1) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetable sector; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries;

Whereas, in order to take account of seasonal variations in prices, the marketing year should be divided into one or

more periods and a Community offer price should be fixed for each of them;

Whereas, in accordance with Article 1 of Regulations (EEC) Nos 3709/89 and 3648/90, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part of the latter and which meet quality Class I requirements and conditions laid down as regards packaging; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market; whereas, moreover, if the average price for a Member State shows excessive variations with respect of normal price fluctuations, it shall not be taken into account;

Whereas the application of the abovementioned criteria results in Community offer prices being fixed for courgettes for the period 21 April to 30 September 1992 at the levels set out hereinafter;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1992 marketing year, the Community offer prices for courgettes (CN code 0709 90 70) applicable with regard to Spain and Portugal, expressed in ecus per 100 kilograms net of packed products of Class I, of all sizes, shall be as follows:

— April (from 21 to 30):	71,79,
— May:	59,33,
— June:	38,95,
— July:	38,56,
— August:	44,91,
— September:	49,60.

Article 2

This Regulation shall enter into force on 21 April 1992.

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 362, 27. 12. 1990, p. 16.

⁽³⁾ OJ No L 366, 29. 12. 1990, p. 43.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 783/92**of 30 March 1992****adopting definitive measures on the issuing of STM licences for milk and milk products in regard to Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade ⁽¹⁾, as last amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten and Portugal ⁽³⁾, as last amended by Regulation (EEC) No 63/92 ⁽⁴⁾, fixes the indicative ceiling for imports into Spain of certain products in the milk and milk products sector for 1991;

Whereas applications for STM licences lodged solely in the Community of Ten from 10 to 14 February 1992 for milk, buttermilk and whey in containers of a net content not exceeding two litres, relate to quantities in excess of that fraction of the indicative ceiling set aside for the first quarter of 1992;

Whereas the Commission adopted, by an emergency procedure, suitable interim protective measures by Regulation (EEC) No 416/92 ⁽⁵⁾; whereas definitive measures must be adopted; whereas, in view of the market situation

in Spain, an increase in indicative ceilings cannot be contemplated at present;

Whereas, as part of the definitive measures referred to in Article 85 (3) of the Act, the suspension of the issuing of STM licences provided for in the abovementioned Regulation until the end of the first quarter of 1992 should be confirmed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The issuing of STM licences applied for in the Community of Ten for products in the milk and milk products sector as referred to in Regulation (EEC) No 416/92 is hereby definitively suspended for the first quarter of 1992.

2. Further applications for STM licences may be lodged from 23 March 1992 for all products in respect of that fraction of the indicative ceiling applicable from 1 April 1992.

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁴⁾ OJ No L 6, 11. 1. 1992, p. 24.

⁽⁵⁾ OJ No L 46, 21. 2. 1992, p. 14.

COMMISSION REGULATION (EEC) No 784/92

of 30 March 1992

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 674/92, and in particular Article 12 (4) thereof,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals⁽⁶⁾, as last amended by Regulation (EEC) No 1740/78⁽⁷⁾, provides that the levy thus determined,

increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽⁸⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States⁽⁹⁾, as last amended by Regulation (EEC) No 444/92⁽¹⁰⁾;

Whereas Article 3 (4) of Council Regulation (EEC) No 3763/91⁽¹¹⁾ allows that within the limit of an annual quantity of 8 000 tonnes, the levy shall not be applied to imports into the French department of Réunion of wheat bran falling within CN code 2302 30 from the African, Caribbean and Pacific (ACP) States;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹²⁾ no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

(¹) OJ No L 281, 1. 11. 1975, p. 1.

(²) OJ No L 73, 19. 3. 1992, p. 7.

(³) OJ No L 166, 25. 6. 1976, p. 1.

(⁴) OJ No L 281, 1. 11. 1975, p. 65.

(⁵) OJ No L 182, 3. 7. 1987, p. 49.

(⁶) OJ No L 168, 25. 6. 1974, p. 7.

(⁷) OJ No L 202, 26. 7. 1978, p. 8.

(⁸) OJ No L 366, 29. 12. 1990, p. 1.

(⁹) OJ No L 84, 30. 3. 1990, p. 85.

(¹⁰) OJ No L 52, 27. 2. 1992, p. 7.

(¹¹) OJ No L 356, 24. 12. 1991, p. 1.

(¹²) OJ No L 263, 19. 9. 1991, p. 1.

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries ⁽¹⁾ prolonged by Regulation (EEC) No 3588/91 ⁽²⁾ reduces by 50 % the levy on importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

Whereas Council Regulations (EEC) No 518/92 ⁽³⁾, (EEC) No 519/92 ⁽⁴⁾ and (EEC) No 520/92 ⁽⁵⁾ of 27 February 1992 on certain procedures for applying the Interim Agreements on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic respectively, of the other part, introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 585/92 ⁽⁶⁾ lays down detailed rules for applying the arrangements provided for in these agreements as regards cereals;

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries ⁽⁷⁾, as last amended by Regulation (EEC) No 3842/90 ⁽⁸⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose ⁽⁹⁾, as amended by Regulation (EEC) No 222/88 ⁽¹⁰⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to

products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽¹²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1992.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 121.

⁽²⁾ OJ No L 341, 12. 12. 1991, p. 6.

⁽³⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁴⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁵⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁶⁾ OJ No L 62, 7. 3. 1992, p. 40.

⁽⁷⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽⁸⁾ OJ No L 367, 29. 12. 1990, p. 8.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽¹⁰⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽¹¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 30 March 1992 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
0714 10 10 (°)	140,07	146,72
0714 10 91	143,70 (°) (°)	143,70
0714 10 99	141,89	146,72
0714 90 11	143,70 (°) (°)	143,70
0714 90 19	141,89 (°)	146,72
1102 20 10	233,80	239,84
1102 20 90	132,49	135,51
1102 30 00	139,93	142,95
1102 90 10	258,66	264,70
1102 90 30	221,98	228,02
1102 90 90	142,49	145,51
1103 12 00	221,98	228,02
1103 13 10	233,80	239,84
1103 13 90	132,49	135,51
1103 14 00	139,93	142,95
1103 19 10	296,42	302,46
1103 19 30	258,66	264,70
1103 19 90	142,49	145,51
1103 21 00	259,47	265,51
1103 29 10	296,42	302,46
1103 29 20	258,66	264,70
1103 29 30	221,98	228,02
1103 29 40	233,80	239,84
1103 29 50	139,93	142,95
1103 29 90	142,49	145,51
1104 11 10	146,57	149,59
1104 11 90	287,40	293,44
1104 12 10	125,79	128,81
1104 12 90	246,64	252,68
1104 19 10	259,47	265,51
1104 19 30	296,42	302,46
1104 19 50	233,80	239,84
1104 19 91	237,62	243,66
1104 19 99	251,46	257,50
1104 21 10	229,92	232,94
1104 21 30	229,92	232,94
1104 21 50	359,25	365,29
1104 21 90	146,57	149,59
1104 22 10 10 (°)	125,79	128,81
1104 22 10 90 (°)	221,98	225,00
1104 22 30	221,98	225,00
1104 22 50	197,31	200,33
1104 22 90	125,79	128,81
1104 23 10	207,82	210,84
1104 23 30	207,82	210,84

(ECU/tonne)

CN code	Import levies (°)	
	ACP	Third countries (other than ACP) (°)
1104 23 90	132,49	135,51
1104 29 11	191,72	194,74
1104 29 15	219,02	222,04
1104 29 19	223,52	226,54
1104 29 31	230,64	233,66
1104 29 35	263,49	266,51
1104 29 39	223,52	226,54
1104 29 91	147,03	150,05
1104 29 95	167,97	170,99
1104 29 99	142,49	145,51
1104 30 10	108,11	114,15
1104 30 90	97,42	103,46
1106 20 10	140,07 (°)	146,72
1106 20 90	205,49 (°)	229,67
1107 10 11	256,59	267,47
1107 10 19	191,72	202,60
1107 10 91	255,79	266,67 (°)
1107 10 99	191,12	202,00 (°)
1107 20 00	222,74	233,62 (°)
1108 11 00	317,13	337,68
1108 12 00	209,12	229,67
1108 13 00	209,12	229,67 (°)
1108 14 00	104,56	229,67
1108 19 10	200,66	231,49
1108 19 90	104,56 (°)	229,67
1109 00 00	576,60	757,94
1702 30 51	272,77	369,49
1702 30 59	209,12	275,61
1702 30 91	272,77	369,49
1702 30 99	209,12	275,61
1702 40 90	209,12	275,61
1702 90 50	209,12	275,61
1702 90 75	285,76	382,48
1702 90 79	198,73	265,22
2106 90 55	209,12	275,61
2302 10 10	58,48	64,48
2302 10 90	125,32	131,32
2302 20 10	58,48	64,48
2302 20 90	125,32	131,32
2302 30 10	58,48 (°)	64,48
2302 30 90	125,32 (°)	131,32
2302 40 10	58,48	64,48
2302 40 90	125,32	131,32
2303 10 11	259,78	441,12

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- (¹) 6 % *ad valorem*, subject to certain conditions.
- (²) In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (³) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States:
- products falling within CN code ex 0714 10 91,
 - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (⁴) Taric code: clipped oats.
- (⁵) Taric code: CN code 1104 22 10, other than 'clipped oats'.
- (⁶) Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.
- (⁷) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States.
- (⁸) On importation into Portugal, the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.
- (⁹) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
- (¹⁰) Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.
- (¹¹) Products falling within this code, imported from Poland, the Czech and Slovak Federal Republic or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.
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COMMISSION REGULATION (EEC) No 785/92
of 30 March 1992
fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 674/92⁽²⁾, and in particular Article 14 (4) thereof,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as last amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75; whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90⁽⁵⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific

States or in the overseas countries and territories⁽⁶⁾, as last amended by Regulation (EEC) No 444/92⁽⁷⁾;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁸⁾, no levies shall apply on imports of products originating in the overseas countries and territories; whereas, pursuant to Article 101 (4) of the abovementioned Decision, a special amount shall be charged on imports of certain products originating in the overseas countries and territories in order to prevent products originating from these countries and territories from receiving more favourable treatment than similar products imported from Spain or Portugal into the Community as constituted on 31 December 1985;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁹⁾, as last amended by Regulation (EEC) No 2205/90⁽¹⁰⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 April 1992.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 73, 19. 3. 1992, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 52, 27. 2. 1992, p. 7.

⁽⁸⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁰⁾ OJ No L 201, 31. 7. 1990, p. 9.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 March 1992 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies ⁽²⁾	
	ACP	Third countries (other than ACP) ⁽¹⁾
2309 10 11	20,78	31,66
2309 10 13	604,18	615,06
2309 10 31	64,95	75,83
2309 10 33	648,35	659,23
2309 10 51	129,89	140,77
2309 10 53	713,29	724,17
2309 90 31	20,78	31,66
2309 90 33	604,18	615,06
2309 90 41	64,95	75,83
2309 90 43	648,35	659,23
2309 90 51	129,89	140,77
2309 90 53	713,29	724,17

⁽¹⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

⁽²⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 March 1992

laying down the general conditions to be complied with for the import of certain raw materials for the pharmaceutical processing industry, coming from third countries, which appear on the list established by Council Decision 79/542/EEC

(92/183/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 91/688/EEC⁽²⁾, and in particular Article 16 (2) thereof,

Whereas Directive 72/462/EEC allows Member States to authorize until 31 December 1986 imports of glands and organs, including blood, as raw materials for the pharmaceutical processing industry coming from third countries which appear on the list of third countries, drawn up in Council Decision 79/542/EEC⁽³⁾, as last amended by Commission Decision 92/14/EEC⁽⁴⁾;

Whereas Directive 72/462/EEC provides for general conditions to be laid down for the said imports;

Whereas Member States may be authorized to import the raw material from third countries appearing on the third-country list without taking into account restrictions contained in that list regarding species of animals and

fresh meat by reason of the treatment of the raw material after import;

Whereas, however, glands and organs, for use as raw materials for the pharmaceutical industry, have to be considered as low-risk material as defined by Council Directive 90/667/EEC⁽⁵⁾; whereas that Directive provides for registration of pharmaceutical plants using such products as raw materials;

Whereas the general conditions and certification to be complied with for such imports shall ensure that the raw material will be used only for the specified purpose, thus preventing the risk of contaminating herds inside the Community; whereas such assurance can be achieved in a satisfactory way only if the consignments of the raw material are monitored closely;

Whereas Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽⁶⁾, as amended by Directive 91/496/EEC⁽⁷⁾, allows for immediate notification to the veterinary authorities of the destination of consignments of certain animal products with an increased risk hazard as regards animal health;

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 377, 31. 12. 1991, p. 18.

⁽³⁾ OJ No L 146, 14. 6. 1979, p. 15.

⁽⁴⁾ OJ No L 8, 14. 1. 1992, p. 12.

⁽⁵⁾ OJ No L 363, 27. 12. 1990, p. 51.

⁽⁶⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽⁷⁾ OJ No L 268, 24. 9. 1991, p. 56.

Whereas such monitoring can be achieved by *Shift* utilizing the notification procedure as laid down by *Animo* created by Commission Decision 91/398/EEC⁽¹⁾;

Whereas the establishment of such general conditions constitutes no more than a first step in the setting up of arrangements for imports of raw materials from third countries; whereas, at this stage, imports of blood which has undergone a treatment to remove any component should be excluded from the scope of this Decision;

Whereas this Decision is without prejudice to the conditions laid down in Commission Decision 89/18/EEC⁽²⁾ for importation from third countries of fresh meat for purposes other than human consumption, which is not intended for the pharmaceutical industry;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of this Decision:

- (a) 'third-country list' means the list of third countries from which Member States authorize imports of bovine animals and swine and fresh meat established by Decision 79/542/EEC;
- (b) 'raw material' means glands and organs, including intestinal mucosa and blood, used as raw materials for the pharmaceutical processing industry, and which have not undergone any treatment except cold treatment;
- (c) 'blood' means whole blood which has not undergone any treatment to remove any components.

Article 2

1. Notwithstanding the restrictions regarding species of animals authorized in the third-country list in respect of certain third countries, Member States may authorize the importation of raw material from those third countries presenting the guarantees laid down in the accompanying animal health certificate corresponding with the specimen given in the Annex.

The abovementioned authorization shall be notified to the competent authorities of Member States through which the raw material must pass.

2. The authorization, provided for in paragraph 1, can be given only to importers specially approved for this purpose by the Member States. Member States shall immediately inform the Commission of such approvals and of the conditions under which these have been given.

3. At arrival at the border inspection post the raw material has to be accompanied by a duly completed and undersigned animal health certificate corresponding with the specimen given in the Annex.

4. After import the raw material must be consigned directly to a registered pharmaceutical processing establishment which is under continuous veterinary supervision and which has given a guarantee that the raw material will be used only for the specified purpose and that it will not leave the establishment in its original state, except in case of necessity where it is consigned to a destruction plant under the control of an official veterinarian.

5. By way of exception to paragraph 4 the imported raw material may be sorted and stored by establishments which are specially approved for this purpose by the Member States shall inform the Commission of such approvals and of the conditions under which these have been given. In any case, the following conditions shall be met:

- (a) the sorting of the raw material must be done in a way that any risk of introduction of animal diseases can be avoided;
- (b) the storage of the imported raw materials in the establishment must not be longer than 12 months;
- (c) at all times during sorting or storage, the raw material may not be in contact with fresh meat which is not covered by this Decision, by Decision 89/18/EEC or by Directive 90/667/EEC;
- (d) records kept at the establishment must allow complete monitoring of each consignment and parts thereof;
- (e) the original certificate or an authenticated copy of it must be kept at the disposal of the official veterinarian for at least 12 months;
- (f) the establishment must have not other activities than importing, collecting, sorting, storing and dispatching of raw materials covered by this Decision, by Decision 89/18/EEC or by Article 5 (3) of Directive 90/667/EEC;
- (g) the establishment shall be under the continuous supervision of the veterinary authorities and be inspected frequently by them.

⁽¹⁾ OJ No L 221, 9. 8. 1991, p. 30.

⁽²⁾ OJ No L 8, 11. 1. 1989, p. 17.

Veterinary experts of the Commission may carry out on-the-spot inspections in establishments which are approved according to this paragraph. In such cases these inspections shall be carried out in accordance with Article 12 of Directive 90/667/EEC.

6. In addition to paragraphs 3, 4 and 5, the following conditions shall be met :

- (a) on dispatch to the Community territory, the raw material must be enclosed in leak-proof and duly sealed containers. The containers and the accompanying documents must be marked : 'Use restricted to the manufacture of pharmaceuticals'. The containers and the accompanying documents shall bear the name and address of the consignee ;
- (b) the raw material must be transported from the point of arrival in Community territory in containers or means of transport which are leak-proof and duly sealed ;
- (c) on arrival in the territory of the Community and before dispatch of the raw material to the registered processing establishment or to an establishment approved in accordance with paragraph 5, prior notification of intending dispatch must be made by *Animo* message or, when this is not possible, by telex or by telefax to the local official veterinarian at the local health unite ; the same provision applies for dispatch from the establishment approved in accordance with paragraph 5 to one or more registered pharmaceutical plants of destination ;
- (d) the health certificate or an authenticated copy thereof must accompany the goods until arrival ; in the case of application of paragraph 5 the local official veterinarian must provide for as many authenticated copies as needed to accompany each subconsignment to its destination ;
- (e) after arrival, the raw material shall be treated in such a way as to prevent contamination of indigenous herds ;

- (f) the vehicles and containers or any other means of transport referred to in point (b) and all equipment and utensils which come into contact with the raw material shall be cleansed and disinfected and all packagings shall be destroyed in an incinerator. If incineration of the packaging is not possible on site then suitable arrangements must be made for incineration of this material as near as possible to the plan provided this is agreed and monitored by the veterinarian authorities.

7. Member States shall notify to the Commission a list of approved importers, establishments referred to in paragraph 5 and registered pharmaceutical processing establishments. This list shall contain the name, address and registration number of these importers and establishments.

Article 3

This Decision shall apply from 1 July 1992.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 3 March 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

ANIMAL HEALTH CERTIFICATE

for raw material intended for consignment to the European Economic Community for pharmaceutical processing

Country of destination :

Exporting country :

Competent Ministry :

Competent issuing authority :

References ⁽¹⁾ :

I. Identification of raw material

Nature or raw material :

Nature of packaging :

Number of packages :

Net weight :

II. Origin of raw material

Address(es) of the establishment(s) controlled by the responsible veterinary authorities :

.....

.....

III. Destination of raw material

The raw material will be sent from :

(place of loading)

to :

(country and place of destination)

by the following means of transport ⁽²⁾ :

Name and address of consignor :

.....

.....

Name and address of consignee :

.....

.....

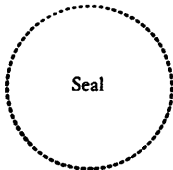
⁽¹⁾ Optional.

⁽²⁾ Indicate means of transport and registration marks, flight number or registered name, as appropriate.

IV. Attestation of health

- I, the undersigned, official veterinarian, certify that :
- the raw material described above is obtained from :
 - animals which have remained on the territory of⁽¹⁾ for at least three months before being slaughtered or since birth in the case of animals less than three months old ;
 - animals which come from holdings in which there has been no outbreak of rinderpest, foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease or porcine enteroviral encephalomyelitis (Teschen disease) in the previous 60 days and around which, within a radius of 25 km, there has been no case of any of the abovementioned diseases for at least 30 days ;
 - an establishment or establishments in which no case of one of the diseases referred to in 1 (b) has been detected for at least 30 days.
 - The raw material described above has not been obtained from animals which :
 - have died on the holdings, including stillborn and unborn animals ;
 - have been killed either on the holding or at any other place, in order to eradicate epizootic diseases ;
 - show, during inspection at slaughter, signs or evidence of diseases communicable to humans and which are for that reason, or due to the presence of residues, excluded from human consumption.
 - The raw material has been handled so as to avoid recontamination

Done at on



.....
(signature of official veterinarian)

.....
(name in capital letters,
qualifications and title)

⁽¹⁾ Name of the exporting country.